

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0354

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DANNY SARTAIN,

Defendant and Appellant.

FILED

JUN 02 2010


*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME AND  
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until June 23, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 2nd day of June, 2010.

STEVE BULLOCK  
Montana Attorney General  
P.O. Box 201401  
215 North Sanders  
Helena, MT 59620-1401

By:   
MICHEAL S. WELLENSTEIN  
Assistant Attorney General

STATE OF MONTANA            )  
  : ss.  
County of Lewis and Clark    )

I, Micheal S. Wellenstein, being first duly sworn upon my oath, depose and state as follows:

1. I am an Assistant Attorney General for the State of Montana and have been assigned to prepare the State's response brief in the above-entitled matter.

2. The Appellee's brief was originally due on April 5, 2010. This Court has previously granted the Appellee two extensions of time to file its brief. The Appellee's brief is presently due on June 9, 2010.

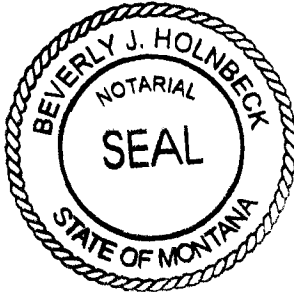
3. Due to my past and present workload. I cannot meet the present deadline for filing the Appellee's brief. My workload is as follows:


- (a) State v. Lewis, Mont. Sup. Ct. No. DA 09-0253, State's Notice of Concession filed on April 29, 2010;
- (b) Participating in moot court argument in State v. Gunderson, Mont. Sup. Ct. No. DA 08-0499;
- (c) State v. Gonzales, Mont. Sup. Ct. No. DA 09-0431, State's brief filed on May 12, 2010; and
- (d) State v. Seiffert, Mont. Sup. Ct. No. DA 09-0679, State's brief filed on May 28, 2010.

4. Opposing counsel has been contacted concerning this motion and does not object.

  
MICHEAL S. WELLENSTEIN

SUBSCRIBED AND SWORN to before me this 2nd day of June, 2010.



  
BEVERLY J. HOLNBECK  
Notary Public for the State of Montana  
Residing at Helena, Montana  
My commission expires April 26, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time to be mailed to:

Ms. Nancy G. Schwartz  
NG Schwartz Law, PLLC  
Attorney at Law  
U.S. Bank Building  
303 North Broadway, Ste. 600  
Billings, MT 59101

Mr. Marty Lambert  
Gallatin County Attorney  
1709 W. College  
Bozeman, MT 59715

DATED: June 2, 2010 